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Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime
Eighth session
Vienna, 21 February-3 March 2000

Annotated provisional agenda and proposed organization of work

Provisional agenda

1. Opening of the eighth session of the Ad Hoc Committee.
2. Adoption of the agenda and organization of work.
3. Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 2, 2 *bis* (subparagraph (a) only), 4, 4 *bis*, 4 *ter*, 4 *quater*, 7, 7 *bis*, 7 *ter*, 17, 17 *bis*, 18, 18 *bis* and 18 *ter*.
4. Consideration of the additional international legal instrument against illegal trafficking in and transporting of migrants.
5. Adoption of the report of the Ad Hoc Committee on its eighth session.

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Annotations

1. Opening of the eighth session of the Ad Hoc Committee

The eighth session of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime will be convened on Monday, 21 February 2000, at 10 a.m.

2. Adoption of the agenda and organization of work

At its seventh session, held in Vienna from 17 to 28 January 2000, the Ad Hoc Committee approved the provisional agenda and proposed organization of work for its eighth session (A/AC.254/L.147/Add.1). The Ad Hoc Committee decided that at its eighth session it would devote five days to the consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 2, 2 *bis* (subparagraph (a) only), 4, 4 *bis*, 4 *ter*, 4 *quater*, 7,7 *bis*, 7 *ter*, 17, 17 *bis*, 18, 18 *bis* and 18 *ter*, dealing with the scope of application, the use of terms, the criminalization of laundering of the proceeds of crime, measures to combat money-laundering, the criminalization of corruption, measures against corruption, confiscation and seizure, international cooperation for purposes of confiscation, the disposal of confiscated assets, the establishment of criminal record, the criminalization of obstruction of justice, the protection of witnesses, assistance to victims, and measures to enhance cooperation with law enforcement authorities.

The Ad Hoc Committee also decided to devote five days to the consideration of the draft text of the additional international legal instrument against illegal trafficking in and transporting of migrants.

The resources available to the Ad Hoc Committee at its eighth session will permit the holding of two plenary meetings per day with simultaneous interpretation in the six official languages of the United Nations.

The proposed organization of work contained in the annex to the present document provides more details on the meetings to be held in plenary at the eighth session of the Ad Hoc Committee, including the order in which the above-mentioned articles of the draft Convention will be considered by the Ad Hoc Committee.

3. Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 2, 2 *bis* (subparagraph (a) only), 4, 4 *bis*, 4 *ter*, 4 *quater*, 7, 7 *bis*, 7 *ter*, 17, 17 *bis*, 18, 18 *bis* and 18 *ter*

At its first session, the Ad Hoc Committee concluded a first reading of articles 1-23 of the draft Convention (as contained in document A/AC.254/4). At its second session, the Ad Hoc Committee began a second reading of the draft Convention by considering articles 1-3, dealing with the objectives, the scope of application and definitions, and completed a first reading of articles 24-30. At its third session, the Ad Hoc Committee carried out a first reading of articles 4, 4 *bis*, 7 and 8. At its fourth session, the Ad Hoc Committee carried out a first reading of articles 4 *ter* and 17 *bis* and concluded a second reading of articles 5, 6, 9 and 14 (paras. 1-13). At its

fifth session, the Ad Hoc Committee concluded the second reading of articles 4, 4 *bis*, 7, 7 *bis*, 7 *ter*, 10, 14 (paras. 14-22), 15-17 and 18-19. At its sixth session, the Ad Hoc Committee concluded its second reading of the draft Convention by considering articles 4 *ter*, 17 *bis* and 20-30. At its seventh session, the Ad Hoc Committee began the finalization of the draft Convention by considering articles 1-3, 5 and 6.

Also at its seventh session, the Ad Hoc Committee decided that at its eighth session it would continue the finalization of the draft Convention by considering articles 2, 2 *bis* (subparagraph (a) only), 4, 4 *bis*, 4 *ter*, 4 *quater*, 7, 7 *bis*, 7 *ter*, 17, 17 *bis*, 18, 18 *bis* and 18 *ter*. That decision was made on the understanding that, should the Ad Hoc Committee finalize those articles with time remaining at its eighth session, it would proceed to the negotiation of as many other articles of the draft Convention as possible. In view of that decision and in the event of early conclusion of the finalization of articles 2, 2 *bis* (subparagraph (a) only), 4, 4 *bis*, 4 *ter*, 4 *quater*, 7, 7 *bis*, 7 *ter*, 17, 17 *bis*, 18, 18 *bis* and 18 *ter* of the draft Convention, the Ad Hoc Committee may wish to proceed with the negotiation of other articles. In the negotiation of articles 4, 4 *bis*, 4 *ter*, 4 *quater*, 7, 7 *bis*, 7 *ter*, 17, 17 *bis*, 18, 18 *bis* and 18 *ter*, the Ad Hoc Committee will be assisted by the recommendations of the informal consultations held during its seventh session (A/AC.254/L.146 and Add.1). The revised version of those articles, reflecting the recommendations of the informal consultations held at the seventh session of the Ad Hoc Committee, has been included in the revised version of the draft Convention that will be before the Ad Hoc Committee at its eighth session (A/AC.254/4/Rev.7).

Documentation

Revised draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.7)

Proposals and contributions received from Governments (A/AC.254/5/Add.20)

Background documents

Analytical study on serious crime prepared by the Secretariat (A/AC.254/22 and Corr.1 and Add.1)

4. Consideration of the additional international legal instrument against illegal trafficking in and transporting of migrants

In its resolution 53/111 of 9 December 1998, the General Assembly decided to establish an ad hoc committee for the purpose of, *inter alia*, discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea. In the same resolution, the Assembly requested the Ad Hoc Committee, in carrying out that work, to take into account, *inter alia*, Economic and Social Council resolutions 1998/18, 1998/19 and 1998/20 of 28 July 1998.

At its first, fourth and sixth sessions, the Ad Hoc Committee carried out a first reading of the draft instrument against illegal trafficking in and transporting of migrants. At its sixth session and at the informal consultations held during its

seventh session, the Ad Hoc Committee considered provisions that that draft instrument might have in common with the draft instrument against trafficking in persons, especially women and children.

In its resolution 54/126 of 17 December 1999, the General Assembly requested the Ad Hoc Committee to continue its work, in accordance with resolutions 53/111 and 53/114 of 9 December 1998, and to intensify its work in order to complete it in 2000. The Assembly also requested the Ad Hoc Committee to schedule sufficient time for the negotiation of the draft protocols to the draft Convention, in order to enhance the possibility of their completion at the same time as the draft Convention.

Documentation

Revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.1/Rev.4)

Proposals and contributions received from Governments (A/AC.254/5/Add.21)

Background documents

International Maritime Organization circular on interim measures for combating unsafe practices associated with the trafficking or transport of migrants by sea (A/AC.254/CRP.3)

Informal consultations

At its fourth session, the Ad Hoc Committee decided that, in future, informal consultations should be organized in order to facilitate the implementation of its mandate (A/AC.254/17, para. 25). The holding of such consultations would depend on the availability of extrabudgetary resources and would meet the following conditions: (a) the informal consultations would be conducted strictly in accordance with the decisions of the General Assembly; (b) provision would be made for interpretation in all official languages of the United Nations; (c) the documentation and agenda for the informal consultations would be made available well in advance of the meetings, and sufficient advance notice of the time and place of the meetings would be provided; (d) the informal consultations would be an open-ended and transparent mechanism to assist the Ad Hoc Committee, which would remain the only decision-making body, by making recommendations; (e) the informal consultations would be held only as parallel in-session meetings and their subjects would not overlap those being considered by the Ad Hoc Committee in plenary; (f) no more than two meetings, including the plenary, would be held at the same time during the sessions of the Ad Hoc Committee; and (g) the informal consultations could be assigned, *inter alia*, to translate into appropriate language the agreements reached in plenary or any other function determined by the Chairman of the Ad Hoc Committee.

The resources available to the Ad Hoc Committee at its fifth and sixth sessions permitted the holding of eight parallel informal consultations with simultaneous interpretation in the six official languages of the United Nations during the first week of each session. The resources available to the Ad Hoc Committee at its seventh session permitted the holding of 16 parallel informal consultations.

The resources available to the Ad Hoc Committee at its eighth session will permit the holding of 16 parallel informal consultations from Tuesday, 22 February, to

Thursday, 2 March 2000. At its seventh session, the Ad Hoc Committee decided to devote the informal consultations to be held from Tuesday, 22 February, to Friday, 25 February 2000, to the consideration of the additional international legal instrument against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. Also at its seventh session, the Ad Hoc Committee decided to devote the informal consultations to be held from Monday, 28 February, to Thursday, 2 March 2000, to the consideration of articles 9, 10, 10 *bis*, 14, 14 *bis*, 15 and 16 of the draft Convention, in preparation for the finalization of those articles by the Ad Hoc Committee at its ninth session.

The proposed organization of work contained in the annex to the present document provides more details on the informal consultations.

Documentation

Revised draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.7)

Revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.2/Rev.4)

Proposals and contributions received from Governments (A/AC.254/5/Add.20)

Proposals and contributions received from Governments (A/AC.254/5/Add.22)

5. **Adoption of the report of the Ad Hoc Committee on its eighth session**

The Ad Hoc Committee is to adopt a report on its eighth session, the draft of which will be prepared by the Rapporteur.

Annex

Proposed organization of work of the eighth session of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, to be held in Vienna from 21 February to 3 March 2000

A. Plenary

Date	*Time*	*Item*	*Title or description*
Monday, 21 February	10 a.m.-1 p.m. and 3-6 p.m.	1	Opening of the eighth session of the Ad Hoc Committee
		2	Adoption of the agenda and organization of work
		3	Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on the following articles (listed in the order in which they are to be considered): 4, 4 *bis*, 7, 7 *bis*, 7 *ter*, 4 *ter*, 4 *quater*, 17 *bis*, 17, 18, 18 *bis*, 18 *ter*, 2 and 2 *bis* (subparagraph (a) only)
Tuesday, 22 February-Friday, 25 February	10 a.m.-1 p.m. and 3-6 p.m.	3	Continuation and conclusion of the discussion
Monday, 28 February	10 a.m.-1 p.m. and 3-6 p.m.	4	Consideration of the additional international legal instrument against illegal trafficking in and transporting of migrants
Tuesday, 29 February-Thursday, 2 March	10 a.m.-1 p.m. and 3-6 p.m.	4	Continuation of the discussion
Friday, 3 March	10 a.m.-1 p.m. and 3-6 p.m.	4	Continuation and conclusion of the discussion
		5	Adoption of the report of the Ad Hoc Committee on its eighth session

B. Informal consultations

Date	*Time*	*Subject*
Tuesday, 22 February-Friday, 25 February	10 a.m.-1 p.m. and 3-6 p.m.	Consideration of the additional international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition
Monday, 28 February-Thursday, 2 March	10 a.m.-1 p.m. and 3-6 p.m.	Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 9, 10, 10 *bis*, 14, 14 *bis*, 15 and 16